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**UNITED STATES BANKRUPTCY COURT  
CENTRAL DISTRICT OF CALIFORNIA - SAN FERNANDO VALLEY DIVISION**

**IN RE**

Bruce Jonathan Karasik  
Judith Karen Karasik

DEBTORS

**CHAPTER 13**  
**CASE NO. SV12-16972-MT**

**TRUSTEE'S OBJECTION TO CONFIRMATION  
OF PLAN; DECLARATION; NOTICE OF  
POSSIBLE DISMISSAL OR CONVERSION**

**DATE/TIME: October 23, 2012 9:30 am**  
**21041 Burbank Blvd.**  
**Courtroom 302**  
**Woodland Hills, CA 91367-1367**

The Trustee objects to confirmation of the plan because all requirements for confirmation as set forth in Title 11 of the United States Code and the Rules have not been met.

The Trustee requests, should all requirements not be met, that confirmation of the plan be denied, the case be dismissed or converted to Chapter 7 and for such other relief as the Court may deem appropriate.

THE FAILURE OF THE DEBTORS (OR THE ATTORNEY FOR THE DEBTORS) TO APPEAR AT THE CONFIRMATION HEARING, OR TO FULLY COMPLY WITH ALL REQUIREMENTS FOR PLAN CONFIRMATION, MAY RESULT IN DISMISSAL OR CONVERSION OF THE CASE.

DATED: October 01, 2012

/s/ Elizabeth Rojas

**I, Elizabeth Rojas, declare as follows:**

1. I am the Trustee in this matter, Bruce Jonathan & Judith Karen Karasik, SV12-16972-MT, and I have personal knowledge of files and records kept by my office in the regular course of business. I have personally reviewed the files and records kept by my office in the within case. The following facts are true and correct and within my own personal knowledge and I could and would testify competently thereto if called upon to do so.
2. I object to confirmation of the proposed plan because of the deficiencies set forth in the attached which is incorporated herein by reference. These deficiencies existed prior to or at the time of the 11 USC §341(a) meeting in this matter.

I declare under penalty of perjury that the foregoing is true and correct.

Executed at Sherman Oaks, California on September 27, 2012.

/s/ Elizabeth Rojas

I oppose plan confirmation because the **Debtors have failed to:**

☒ schedule debts within the limits of 11 USC §109(e); and therefore **ineligible**; and/or Debtors are not eligible to be Chapter 13 Debtors as follows:

- **Exceeds Secured Debt Limit**
- **\$1,161,841 [ok if 2nd trust deed avoided]**

☒ **disclose** [11 USC §521, LBR 1017-1(b)]  
☐ assets ☐ creditors ☐ income ☒ prior case  
- **not eligible for discharge**

☐ **serve all** creditors with notice and the Plan at least 28 days before the 11 USC §341(a) Meeting of Creditors, FRBPs 2002(b), 7004 and LBR 3015-1(b)(3);

☒ provide the Trustee **documentation of all income** (as well as any contributor's income) seven days before the §341(a) Meeting of Creditors. LBR 3015-1(c)(3), 11 USC § 521;  
- **2011 tax return**  
- **2010 tax return**  
- **short form business report**  
- **2011 year-to-date income/expense**  
- **6 months bank statements**

☒ meet the **business reporting requirements** regarding Debtors' business or self-employment, LBR 3015-1(c)(4);  
- **short form business report**  
- **2011 year-to-date income/expense**  
- **6 months bank statements**

☒ provide to the Trustee completed copies of the Federal and State **income tax returns**, 11 USC § 1308 and 521, LBR 3015-1(c)(3).  
- **2011 tax return**  
- **2010 tax return**

☒ propose a plan that is feasible 11 USC § 1325(a)(6); the plan is **infeasible** because  
☒ certain claims are not included and/or the amount provided is insufficient

<u>Creditor</u>	<u>Acct #</u>	<u>Class</u>	<u>Claim</u>	<u>Plan</u>	<u>Notes</u>
IRS		1/P	\$69,548	\$30,000	
PNC	2758	2/S	\$5,837	\$0	to avoid

☒ income is not sufficient enough to fund it

- **Deficit budget**

☒ plan payment will not retire debt within term

- **Deficit budget**

- ☒ the plan does not propose treatment and/or properly treat all scheduled, priority and/or secured creditors; and/or plan deficiencies as follows:
- **Acct number for Mercedes is different in the plan & on Sch.D-clarify**
  - **dtr to do MTA/LAM mtn on 2nd TD w/**
  - **PNC**
  - **Class 5 amts. incorrect, add 2nd trust deed if avoiding, current plan payment will not pay 100% to unsecureds, only 2%**
  - **Motion to avoid not granted, remove 2nd trust deed from Sch.F and add to Sch.D**
- ☒ propose a plan that represents the Debtors' **best effort** 11 USC §1322; 11 USC §1325
- ☒ unreasonable and/or unnecessary expenses are scheduled
- **Expenses high**
  - **\$183 Child Care: Summer Camp, \$306 medical/dental + \$590 health, \$155 life insurance, \$541 transportation (1 debtor working)**
  - **Vehicle already paid thru plan, delete expense of \$481/Sch.J**
  - **Evidence of Auto Insurance (cc premium notice)**
  - **\$590**
- ☐ the budget surplus exceeds the monthly plan payment
- ☐ comply with the Means Test as required by the Code, In re Kagenveama, 541 F3d 868, and/or In re Lanning, 1330 S.Ct.2464
- ☒ propose a plan that provides creditors as much as would be received under **Chapter 7** 11 USC §1325(a)(4).
- **ch7 would receive > %**
  - **\$11,750 Potential Commision, \$6,373 Expected Commision not exempt-[no (b)(5) avail]**
  - **must pay at least \$18,123 to priority & general unsecureds combined**
- ☒ other issues as stated below:
- **Trustee to request interlineations that all tax returns be submitted to the Trustee; all tax refunds to be submitted into the plan and the Debtors will not incur debt greater than \$500 without Court permission.**
  - **domestic support declaration**
  - **4 year tax declaration**
  - **Amend schedule D for PNC 2nd TD**
  - **provide schedule D to Trustee w/ complete account #s**

**PROOF OF SERVICE**

**In Re: Bruce Jonathan & Judith Karen Karasik**  
**Case No. SV12-16972-MT**

I am over the age of 18 and not a party to this bankruptcy case or adversary proceeding. My business address is:

Elizabeth Rojas  
15060 Ventura Blvd.  
Suite 240  
Sherman Oaks, CA 91403

The foregoing document described as **TRUSTEE'S OBJECTION TO CONFIRMATION; NOTICE OF POSSIBLE DISMISSAL OR CONVERSION** will be served **(a)** on the judge in chambers in the form and manner required by LBR 5005-2(d); and **(b)** in the manner indicated below:

On October 01, 2012, I served the following person(s) and/or entity(ies) at the last known address(es) in this bankruptcy case or adversary proceeding by placing a true and correct copy thereof in a sealed envelope in the United States Mail, first class, postage prepaid, addressed as follows. Listing the judge here constitutes a declaration that mailing to the judge will be completed no later than 24 hours after the document is filed.

Bruce Jonathan Karasik  
3155 Provence Pl.  
Thousand Oaks, CA 91362

Judith Karen Karasik  
3155 Provence Pl.  
Thousand Oaks, CA

Russ W Ercolani  
Ercolani Law Group  
4195 E Thousand Oaks Bl Ste 175  
Westlake Village, CA 91362

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

DATED: October 01, 2012

/s/ Patricia Trujillo

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